

The Honorable Lonny R. Suko

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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

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SPOKANE, WASHINGTON

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DOYLE WHEELER and CARRI)
WHEELER, husband and wife, individually)
and on behalf of similarly situated)
Washington residents,)

Plaintiffs,)

v.)

NOTEWORLD, LLC, d/b/a NOTEWORLD)
SERVICING CENTER, a Delaware limited)
liability company; NATIONWIDE SUPPORT)
SERVICES, INC., a California corporation;)
FREEDOM DEBT CENTER, a California)
corporation; and JOHN AND JANE DOES)
A-K,)

Defendants.)

NO. CV-10-202-LRS

CLASS ACTION

FINAL JUDGMENT AS TO
DEFENDANT NOTEWORLD

[PROPOSED] FINAL JUDGMENT AS TO DEFENDANT
NOTEWORLD: 1

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1 THIS MATTER came before the Court for hearing pursuant to an Order of
2 this Court, dated November 3, 2011, on the application of the Settling Parties for
3 approval of the Settlement set forth in the Class Settlement Agreement dated as of
4 October 18, 2011(the "Agreement"). Due and adequate notice having been given
5 of the settlement as required in said Order, and the Court having considered all
6 papers filed and proceedings held herein and otherwise being fully informed in the
7 premises and good cause appearing therefore, IT IS HEREBY ORDERED,
8
9
10 ADJUDGED AND DECREED that:
11

12 1. This Judgment incorporates by reference the definitions in the
13 Agreement, and all capitalized terms used herein shall have the same meanings set
14 forth in the Agreement.
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16 2. This Court has jurisdiction over the subject matter of the Litigation
17 and over all parties to the Litigation, including all Members of the Class.
18

19 3. Except as to any individual claims of those Persons who have validly
20 and timely requested exclusion from the Class, the Action and all claims contained
21 therein as to NoteWorld are dismissed with prejudice as to the Class
22 Representatives and the other Members of the Class. The parties are to bear their
23 own costs, except as otherwise provided for in the Agreement.
24

25 4. Upon the date of the Final Order, the Class Representatives and each
26

1 of the Class Members shall be deemed to have, and by operation of this Judgment
2 shall have, fully, finally, and forever released, relinquished and discharged all
3 Released Claims against NoteWorld.
4

5 5. Upon the date of the Final Order, all Class Members and anyone
6 claiming through or on behalf of any of them, will be forever barred and enjoined
7 from commencing, instituting, prosecuting or continuing to prosecute any action or
8 other proceeding in any court of law or equity, arbitration tribunal, or
9 administrative forum, asserting the Released Claims against NoteWorld.
10

11 6. Upon the date of the Final Order, each of the Released Persons shall
12 be deemed to have, and by operation of this Judgment shall have, fully, finally, and
13 forever released, relinquished and discharged the Class Representatives and Class
14 Counsel from all claims (including Unknown Claims), arising out of, relating to, or
15 in connection with the institution, prosecution, assertion, settlement or resolution
16 of the Litigation or the Released Claims.
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19 7. The court hereby incorporates herein by reference its Final Order
20 Approving Class Settlement. The Notice provided to the Class was the best notice
21 practicable under the circumstances to all Persons entitled to such notice, and said
22 Notice fully satisfied the requirements of Federal Rule of Civil Procedure 23, the
23 requirements of due process, and any other applicable law.
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1 8. Neither the entry of this Judgment, nor the Agreement nor the
2 settlement contained therein, nor any act performed or document executed pursuant
3 to or in furtherance of the Agreement or of the settlement: (a) is or may be deemed
4 to be or may be used as an admission of, or evidence of, the validity of any
5 Released Claim, or of any wrongdoing or liability of the Defendant NoteWorld or
6 (b) is or may be deemed to be or may be used as an admission of, or evidence of
7 any fault or omission of NoteWorld in any civil, criminal, or administrative
8 proceeding in any court, administrative agency or other tribunal; or (c) is or may be
9 deemed to be evidence that any Class Members have suffered any damages, harm
10 or loss. No representation or concession made in the Agreement or the settlement
11 contained therein shall be considered to have *res judicata* or collateral estoppel
12 effect against NoteWorld or give rise to any form of estoppel or waiver by
13 NoteWorld in any other proceeding. NoteWorld may file the Agreement and/or
14 the Judgment in any other action that may be brought against them in order to
15 support a defense or counterclaim based on principles of *res judicata*, collateral
16 estoppel, release, good faith settlement, judgment bar or reduction, or any other
17 theory of claim preclusion or issue preclusion or similar defense or counterclaim.
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24 9. Without affecting the finality of this Judgment in any way, this Court
25 hereby retains continuing jurisdiction over: (a) implementation of this Settlement
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[PROPOSED] FINAL JUDGMENT AS TO DEFENDANT
NOTEWORLD: 4

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1 and any award or distribution of the Settlement Fund; (b) modification of the
2 injunctive relief provisions of the Consent Judgment for Injunctive Relief; and (c)
3 continuing jurisdiction over claims as to remaining Defendants.
4

5 10. The Court finds that during the course of the Litigation, the Settling
6 Parties and their respective counsel at all times complied with the requirements of
7 Federal Rule of Civil Procedure 11.
8

9 11. All claims asserted herein on behalf of the Class as against NoteWorld
10 are hereby dismissed with prejudice.
11

12 12. There is no just reason for delay in the entry of this Order and Final
13 Judgment and immediate entry by the Clerk of the Court is expressly directed
14 pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.
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16 IT IS SO ORDERED.

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18 Dated: 3/20/12

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The Honorable Lonny R. Suko
United States District Judge
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[PROPOSED] FINAL JUDGMENT AS TO DEFENDANT
NOTEWORLD: 5

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